United Nations A/64/901–S/2010/444

General Assembly
Security Council

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General Assembly
Sixty-fourth session
Agenda item 110 (c)
Elections to fill vacancies in principal organs: election of a member of the International Court of Justice

Security Council
Sixty-fifth year

Curriculum vitae of the candidate nominated by national groups

Note by the Secretary-General

I. Introduction

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a vacancy in the International Court of Justice caused by the resignation of Judge Thomas Buergenthal (United States of America). The information on the nominations by national groups has been circulated in document A/64/900-S/2010/443. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/64/899-S/2010/442.

II. Curriculum vitae

Joan E. Donoghue (United States of America)

Current position

U.S. Department of State

Principal Deputy Legal Adviser

2007 to present

- Senior career attorney of the Department of State
- Acting Legal Adviser, January to June 2009 (advice to Secretary Clinton and President Obama on all aspects of international law)

Please recycle

- Advice on development, interpretation and application of international humanitarian law and human rights law
- U.S. submissions in advisory proceedings in *Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo* (International Court of Justice)
- Advice on drafting, negotiation and implementation of resolutions of the Security Council, General Assembly and other United Nations bodies
- Oversight of legal work related to the law of the sea, Antarctica, the Arctic, fisheries and the environment
- Supervision of U.S. advocacy in Iran-United States Claims Tribunal and North American Free-Trade Agreement (NAFTA) investor-state arbitration
- Head of delegation, bilateral claims negotiations with Iraq
- Legal advice and congressional testimony regarding 2008 U.S.-Iraq Security Agreement and Strategic Framework Agreement
- Implementation of President Obama's Executive Orders on Guantanamo, detention and interrogation
- Oversight of treaty approval process, including testimony for advice and consent of U.S. Senate
- Representative to U.S.-European Union Legal Dialogue
- Representative to Council of Europe Committee of Legal Advisers

Previous international law positions

George Washington University School of Law

2005

- Adjunct Professor, Public International Law

U.S. Department of State

2000-2001

Deputy Legal Adviser

- Oversight of bilateral law enforcement cooperation
- Implementation of legislation on foreign assistance and economic sanctions
- Supervision of international economic issues, including legal aspects of bilateral investment treaty (BIT) negotiation and formulation of model BIT provisions

1994-1999

Assistant Legal Adviser for Economic and Business Affairs

- Legal adviser in negotiation of understandings with the European Community regarding U.S. economic sanctions and conflicts of jurisdiction

- Litigation regarding U.S. state and local sanctions (*Crosby v. National Foreign Trade Council*, United States Supreme Court)
- Legal adviser and supervisor in investment negotiations (bilateral investment treaties and Organization for Economic Cooperation and Development (OECD) Multilateral Agreement on Investment)
- Legal advice regarding OECD Anti-Corruption Convention
- Formulation of U.S. positions in NAFTA investor-state cases (*Loewen Group*, *Methanex*)
- Legal adviser in bilateral aviation negotiations

1993-1994

Assistant Legal Adviser for African Affairs

- Legal advice on the transition to democracy in South Africa, including work with U.S. Congress to revise federal law and work with U.S. states to repeal state sanctions
- Advice on international humanitarian law, including on the establishment of the International Criminal Tribunal for Rwanda
- Advice on recognition and state succession

Council on Foreign Relations International Affairs Fellow and visiting professor, Boalt Hall School of Law, University of California at Berkeley

1992

- Research and writing on international environmental law and immunities law
- Teaching of U.S. foreign relations law and international environmental law

Georgetown University Law Center

1991

- Adjunct Professor, Foreign Relations Law

U.S. Department of State

1989-1991

Assistant Legal Adviser for Oceans, Environment and Science

- Legal adviser, negotiation of United Nations Framework Convention on Climate Change
- Legal adviser, negotiation of Protocol Concerning Specially Protected Areas and Wildlife to the Cartagena Convention
- Legal Adviser, Meeting of the Consultative Parties to the Antarctic Treaty
- Formulation of positions in General Agreement on Tariffs and Trade dispute settlement (*Tuna-Dolphin* and *Turtle-Shrimp*)
- Submission to U.S. Senate of U.S.-USSR treaty on maritime boundary

- Representative to legal expert groups on liability for environmental damage
- Head of delegation and legal adviser in fisheries negotiations

1986-1989

Director, Office of Diplomatic Law and Litigation

- Head of office responsible for foreign state immunity, head of state immunity, immunity of diplomats and special missions immunity
- Litigation and legislation regarding U.S. Foreign Sovereign Immunities Act
- Litigation regarding immunity of Heads of State, diplomats and other personnel
- Congressional testimony regarding diplomatic immunity
- Negotiation of international agreements governing privileges and immunities

1986

Attorney, Office of Law Enforcement and Intelligence

- Negotiation of extradition and mutual legal assistance agreements
- Legal advice related to international narcotics issues

1984-1986

Attorney, Office of Inter-American Affairs

- Member, U.S. team in *Nicaragua v. United States* (International Court of Justice)
- U.S.-Cuba migration negotiations
- Legal advice regarding implementation of Panama Canal Treaty
- Legal adviser in negotiation of Commission for the Study of Alternatives to the Panama Canal (U.S.-Panama-Japan)

Other professional experience

Freddie Mac

General Counsel and Corporate Secretary

2003-2005

Associate General Counsel, Legislative and Regulatory Affairs

2001-2003

- Leadership of Office of General Counsel after Board of Directors replaced the most senior executives in 2003 (initially as Acting General Counsel)
- Oversight of all litigation in regulatory and judicial proceedings
- Overhaul of corporate governance
- Elected Member of Board of Directors

U.S. Department of the Treasury

1999-2000

Deputy General Counsel

- Supervision of all aspects of Department's legal work
- Oversight of legal advice regarding regulations, licences and litigation under the International Emergency Economic Powers Act
- Supervision of legal work with respect to international financial institutions
- Management of litigation against Department of the Treasury

Covington & Burling, Washington, D.C.

1981-1984

- Federal court and administrative litigation

Education

Boalt Hall School of Law, University of California, Berkeley, J.D., 1981

University of California, Santa Cruz, B.A. with Honours in Russian Studies; BA with Honours in Biology, 1978

Publications

"The public face of private international law: prospects for a convention on foreign State immunity", 57 *Law and Contemporary Problems* 305 (1994).

"International law and policy-making about global change", in *The Ecological and Social Dimensions of Global Change* (David D. Caron, Terry Chapin, Joan Donoghue, Mary Firestone, John Harte and Lisa Wells, eds., Institute of International Studies, University of California at Berkeley, 1994).

Book review, *The International Politics of the Environment*, by Andrew Hurrell and Benedict Kingsbury, 88 *American Journal of International Law* 411 (1994).

"EC participation in the protection of the marine environment", 17 *Marine Policy* 515 (1993).

"Taking the 'sovereign' out of the foreign sovereign immunities act: a functional approach to the commercial activities exception", 17 *Yale Journal of International Law* 489 (1992).

"The trade provisions of international environmental agreements: can they be reconciled with the GATT?", 86 *American Society of International Law Proceedings* 233 (1992).

"Perpetual immunity for foreign diplomats? A response to 'the Abisinito Affair: a restrictive theory of diplomatic immunity?'", 27 *Columbia Journal of Transnational Law* 615 (1989).

Selected honours and awards

Distinguished Honor Award (highest award given by the Secretary of State) (2009)

Presidential Rank Award (Meritorious Executive) (2009)

Younger Federal Lawyer (awarded by the Federal Bar Association) (1988)

Other information

Member, American Society of International Law

Member, District of Columbia Bar Association

Studied Russian, Arabic, Spanish and French